

DT05 Rec'd PCT/PTO 11 OCT 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF: PINNEY ET AL	ATTY DKT NO. P-208614.9(PCT)(US)
SERIAL NO. 10/070,484	
FILED: 3/6/02	
TITLE: INDOLE-CONTAINING COMBRESTASTATIN -RELATED ANTI-MITOTIC AND TUBULIN POLYMERICATION AGENTS	
TO: Box MISSING PARTS/ FEE Commissioner of Patents and Trademarks Washington, D.C. 20231	

**COMPLETION OF FILING REQUIREMENTS**  
**(RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION)**

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed June 12, 2002.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made (e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added).

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

**DECLARATION OR OATH**

- II. ☐ No original declaration or oath was filed, and enclosed is the original declaration or oath for this application.

- ☒ The original declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor and (1) serial number, (2) attorney docket number which was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification which is attached to the declaration at the time of execution and filed with the declaration or, (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If identification (4) is used, it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c)

(Complete (c) or (d), if applicable.)

Attached is a:

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

**SMALL ENTITY STATUS**

- III. ☒ Inventor claims small entity status pursuant to 37 CFR 1.27.

**COMPLETION FEES**

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 CFR 1.53(d)

NOTE: The filing fees, fees for claims and surcharge fees listed below in items 1, 2 and 3 are reduced by 50% where proof of a small entity status is established on or before the date the fee is paid. If the full fee was paid but a verified statement is filed within two months of the date of timely payment of a fee, then the excess fee paid will be refunded on request. 37 CFR 1.28(a)

- IV. 1. Surcharge fees:

☐ Late payment of filing fee. (\$130.00 Large Entity)

and/or

☒ Late filing of original declaration or oath (37 CFR 1.16(e)) (\$65.00; Small entity)

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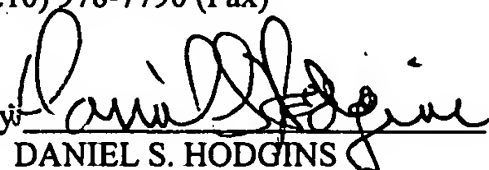
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65.00 DP

Respectfully submitted,

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By

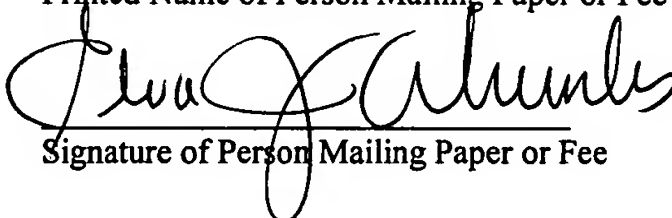
  
DANIEL S. HODGINS  
Reg. No. 31026

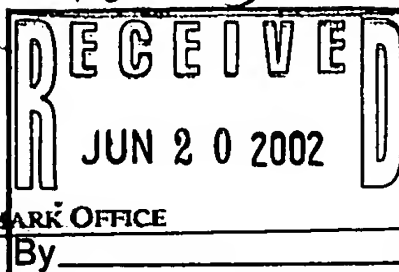
**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Commissioner of Patents and Trademarks, Washington, D.C. 20231", as follows:

<u>37 CFR 1.8(a)</u>	<u>37 CFR 1.10</u>
<input type="checkbox"/> With sufficient postage as First Class Mail.	<input checked="" type="checkbox"/> As "Express Mail Post Office to Addressee", Mailing Label No. <u>EL601644269US</u> .
Date: _____, 20__	Date: <u>10-11-</u> , 20 <u>02</u>

ELVA J. Abundis  
Printed Name of Person Mailing Paper or Fee

  
Signature of Person Mailing Paper or Fee



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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/070,484	Kevin G Pinney	P-208616.9 (PCT) (US)

INTERNATIONAL APPLICATION NO.
PCT/US00/25408

I.A. FILING DATE	PRIORITY DATE
09/15/2000	09/17/1999

Daniel S Hodgins  
Jackson Walker  
112 E Pecan  
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San Antonio, TX 78205

*MISSING PARTS*  
**DOCKETED** *DUE 08/12/02*  
**FILE NO.** \_\_\_\_\_

**CONFIRMATION NO. 6924**  
**371 FORMALITIES LETTER**  
  
\*OC000000008258010\*

Date Mailed: 06/12/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 305-3659

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/070,484	PCT/US00/25408	P-208616.9 (PCT) (US)

FORM PCT/DO/EO/905 (371 Formalities Notice)